

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KAYLA HARLIN,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 14-cv-05119 RBL

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration (ECF No. 17).

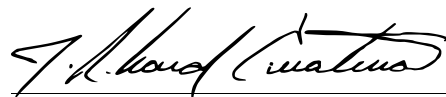
After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

1 Following remand of this matter, the ALJ will update the record, hold a *de novo* hearing
2 and issue a new decision. In addition, on remand, the Appeals Council shall instruct the ALJ to
3 reevaluate plaintiff's mental impairments at steps 2 and 3 of the sequential evaluation process,
4 and, if warranted, to obtain evidence from a medical expert to assist in addressing the paragraph
5 B criteria and assessing the mental functional limitations. In addition, the Appeals Council shall
6 instruct the ALJ to obtain supplemental evidence from a vocational expert at step five. The ALJ
7 shall be instructed to affirm that the vocational expert's testimony is consistent with the
8 information in the Dictionary of Occupational Titles before relying on it.

9 The parties have stipulated that plaintiff will be entitled to reasonable attorney's fees and
10 costs pursuant to 28 U.S.C. § 2412(d), following proper request to this Court.

11 Given the facts and the parties' stipulation, the Court recommends that the District Judge
12 immediately approve this Report and Recommendation and order the case be **REVERSED** and
13 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

14 Dated this 28th day of July, 2014.

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16 J. Richard Creatura
17 United States Magistrate Judge
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